

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32688 of 2026

Arising Out of PS. Case No.-312 Year-2025 Thana- DUMRA District- Sitamarhi

Fekan Mahto S/o Vilas Mahto @ Bilash Mahto R/o village- Madhurapur, P.S.-
Bajpatti, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 38594 of 2026

Arising Out of PS. Case No.-312 Year-2025 Thana- DUMRA District- Sitamarhi

Gaunaur Mahto @ Gonaur Mahto @ Ganaur Mahto S/o Late Ranglal Mahto
R/o village- Madhurapur @ Mathurapur, P.S.- Bajpatti, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 32688 of 2026)
For the Petitioner/s : Mr. Santosh Kumar, Adv.
For the State : Ms. Renuka Ratnakar (APP-125)
For the Informant : Mr. Ravi Shankar Sahay, Adv.
Mr. Anand Kishore Chaudhary, Adv.
Mr. Dhananjay Kumar, Adv.
(In CRIMINAL MISCELLANEOUS No. 38594 of 2026)
For the Petitioner/s : Mr. Santosh Kumar, Adv.
For the State : Ms. Renuka Ratnakar (APP-125)
For the Informant : Mr. Ravi Shankar Sahay, Adv.
Mr. Anand Kishore Chaudhary, Adv.
Mr. Dhananjay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 23-07-2026 Heard learned counsel for the petitioners, learned

A.P.P. for the State and learned counsel for the informant in both

the cases.

2. The petitioner of both the cases i.e. Cr. Misc. No.



32688 of 2026 and Cr. Misc. No. 38594 of 2026 seeks regular bail in connection with Dumra P.S. Case No. 312 of 2025 lodged on 29.06.2025, for the offence punishable under Sections 103(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023, pending in the court of Chief Judicial Magistrate, Sitamarhi.

3. As per the prosecution, FIR has been lodged against 02 named accused persons (petitioner of both the cases) and 02 unknown persons alleging that they have brutally assaulted the informant's father-in-law due to which, he died during course of treatment.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that the case has been lodged only on the basis of suspicion and there is no allegation of act or overt act against the petitioners. Counsel submits that from the contents of FIR, it become absolutely crystal clear that only on the basis of suspicion, case has been lodged against the petitioners. He submits that the informant and petitioners both are well known to each other and there is previous enmity exist between them and a title suit is there in which the petitioners have filed a title suit against the deceased, which is pending in the Civil court. He submits that it is due to this reason, petitioners' name have



been falsely implicated in the present case. Counsel further submits that from the injury report and inquest report, it transpires that there is sharp contradiction, as the police who have seen the body of the deceased first has found no injury on the body, whereas, in the inquest report, injury has been found and in the post-mortem report, only the injury of bruise is there about which one of the Doctor opined that this may not be the cause of death. He further submits that the petitioner of Cr. Misc. No. 32688 of 2026 is in judicial custody since 21.01.2026, having one criminal antecedent in which he is on bail, whereas, the petitioner of Cr. Misc. No. 38594 of 2026 is in judicial custody since 26.12.2025, having four criminal antecedents in which in three cases, he is on bail. Counsel submits that the petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them.

5. Learned counsel for the informant, on the other hand, vehemently opposes the prayer for bail and submits that there are two witnesses of the village who have seen these two petitioners who were assaulting the deceased and the ante-mortem injury has been found on the body of the deceased. He submits that since, there are two witnesses who are the co-villagers, therefore, the question of suspicion shall not be



sustained.

6. Learned APP for the State also opposes the prayer for bail of the petitioner of both the cases.

7. As such, this Court after going through the allegation and the statement of independent witnesses under section 180 of the B.N.S.S. as well as considering the period of custody, not inclined to grant bail to the petitioner of both the cases *at present*. Accordingly, the prayer for regular bail of petitioner of Cr. Misc. No. 32688 of 2026 and petitioner of Cr. Misc. No. 38594 of 2026 are hereby rejected *at present*.

(Dr. Anshuman, J)

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